

From: Todd Smith
To: Mercedes Mayer
CC: Patricia Conradt
Sent: 1/21/2011 4:20:42 PM
Subject: Fwd: Carter-Baker Commission - draft language

Print and bring to me. When it involves me having to revise things, it's best to get to me in paper form rather than email

Sent from my iPhone

Begin forwarded message:

From: Patricia Conradt <Patricia.Conradt@house.state.tx.us>
Date: January 21, 2011 3:52:36 PM CST
To: Todd Smith <todd@toddsmithlaw.com>
Subject: RE: Carter-Baker Commission - draft language

From Interim Charge #3 - my suggested addition about the Carter-Baker Commission is included in red below:

CONCLUSION



The fact that states across the nation are passing voter ID laws is proof enough of the public's concern regarding the potential of voter fraud. While there is, and perhaps always will be, disagreement regarding the extent of voter fraud and the type of voter fraud that is most prevalent, the lack of public confidence in our voting system cannot be questioned. Voter ID laws have been upheld by courts across the country for one simple reason - the inability of those who are challenging the laws to demonstrate in court that those laws place an unreasonable burden on any legal voter.

Texas and other states have had very infrequent prosecution of in-person voter fraud. Some may argue that is an indication that fraud does not occur. While others will argue it is an indication that current law does not allow us to identify fraudulent voting as it occurs.

The close and controversial presidential election in 2000 led to the passage of the Help America Vote Act (HAVA) in 2002, to help restore the public's confidence in the American electoral system. Just two years after HAVA was passed, the 2004 presidential election raised even more suspicions and complaints from voters with further erosion in the public's confidence and faith in national, state and local elections. In 2005, then-President George W. Bush appointed the Commission on Election Reform, also known as the "Carter-Baker Commission."

The 21-member Commission was chaired by former President Jimmy Carter and former Secretary of State James A. Baker. After several months of study and hearings, the Commission released its report, *Building Confidence in U.S. Elections*, in September 2005. The report included 87 recommendations to raise the public's confidence in the election system. The full report can be found at http://www1.american.edu/ia/cfer/report/full_report.pdf.

The committee concurs with the following statement by the bipartisan Carter-Baker commission report: *Building Confidence in U.S. Elections*: *ii*

“While the Commission is divided on the magnitude of voter fraud – with some believing the problem is widespread and others believing that it is minor – there is no doubt that it occurs. The problem, however, is not the magnitude of the fraud. In close or disputed elections, and there are many, a small amount of fraud could make the margin of difference. And second, the perception of possible fraud contributes to low confidence in the system. A good ID system could deter, detect, or eliminate several potential avenues of fraud – such as multiple voting or voting by individuals using the identities of others or those who are deceased – and thus it can enhance confidence.”

RECOMMENDATIONS

The Elections Committee recommends that the Legislature adopt legislation requiring voters to show photo identification in order to cast a ballot at the polls. We ask that free identification cards be issued by either the Department of Public Safety or the local voter registrar's office if the voter is registered in this state and is receiving the identification card with the express intent to vote. It is also important that such legislation provide for the education of voters on any changes enacted and that the Secretary of State and counties coordinate their efforts to inform the state's electorate. This law should take effect January 1, 2012.

From: Todd Smith [mailto:todd@toddsmitthlaw.com]
Sent: Friday, January 21, 2011 3:45 PM
To: Patricia Conradt
Subject: Re: Carter-Baker Commission - draft language

Would need to see this language in context of where it goes In the report.

Sent from my iPhone

On Jan 21, 2011, at 3:28 PM, "Patricia Conradt" <Patricia.Conradt@house.state.tx.us> wrote:

Todd -

Here is my proposed language about the Carter-Baker Commission to add to the report; let me know any changes so I can get something to Steven:

The close and controversial presidential election in 2000 led to the passage of the Help America Vote Act (HAVA) in 2002, to help restore the public's confidence in the American electoral system. Just two years after HAVA was passed, the 2004 presidential election raised even more suspicions and complaints from voters with further erosion in the public's confidence and faith in national, state and local elections. In 2005, then-President George W. Bush appointed the Commission on Election Reform, also known as the "Carter-Baker Commission."

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tc

Trish Conradt

Chief of Staff

Rep. Todd Smith

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[ii] Carter-Baker commission report: *Building Confidence in U.S. Elections*